

IC 31-19-8

Chapter 8. Supervision of Child by Licensed Child Placing Agency

IC 31-19-8-1

Period of supervision as prerequisite to adoption

Sec. 1. An adoption may be granted in Indiana only after:

- (1) the court has heard the evidence; and
- (2) except as provided in section 2(c) of this chapter, a period of supervision, as described in section 2 of this chapter, by:
 - (A) a licensed child placing agency for a child who has not been adjudicated to be a child in need of services; or
 - (B) the department, if the child is the subject of an open child in need of services action.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.248; P.L.138-2007, SEC.38; P.L.131-2009, SEC.15; P.L.128-2012, SEC.50.

IC 31-19-8-2

Supervision period; waiver of supervision period

Sec. 2. (a) Except as provided in subsection (c), the period of supervision required by section 1 of this chapter may be before or after the filing of a petition for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.39.

IC 31-19-8-3

List of licensed child placing agencies and local offices of the department

Sec. 3. (a) The department shall annually compile a list of:

- (1) licensed child placing agencies; and
- (2) the local offices;

that conduct the inspection and supervision required for adoption of a child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and local offices must include a description of the following:

- (1) Fees charged by each agency and the department.
- (2) Geographic area served by each agency and local office.
- (3) Approximate waiting period for the inspection or supervision by each licensed child placing agency and local office.
- (4) Other relevant information regarding the inspection and supervision provided by a licensed child placing agency or a local office under IC 31-19-7-1 and section 1 of this chapter.

(c) The department shall do the following:

- (1) Maintain in its office or on its Internet web site copies of the list compiled under this section for distribution to individuals who request a copy.
- (2) Provide each local office with sufficient copies of the list prepared under this section for distribution to individuals who request a copy.
- (3) Provide a copy of the list to each public library organized under IC 36-12.

(d) The department and each:

- (1) local office; and
- (2) public library organized under IC 36-12;

shall make the list compiled under this section available for public inspection.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-2005, SEC.201; P.L.145-2006, SEC.249; P.L.131-2009, SEC.16; P.L.128-2012, SEC.51.

IC 31-19-8-4

List of approved supervising agencies

Sec. 4. To facilitate adoption proceedings, the department shall:

- (1) publish;
- (2) post on its web site; or
- (3) furnish to each public library organized under IC 36-12;

a list of approved supervising agencies.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.250; P.L.131-2009, SEC.17.

IC 31-19-8-5

Agency report and recommendation; filing requirements; waiver of report

Sec. 5. (a) Except as provided in subsection (c), not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency:

- (1) each licensed child placing agency, for a child who is not adjudicated to be a child in need of services; or
- (2) if the child is the subject of an open child in need of services action, each local office;

shall submit to the court a written report of the investigation and recommendation as to the advisability of the adoption.

(b) The report and recommendation:

- (1) shall be filed with the adoption proceedings; and
- (2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision.

(d) If the court waives the reports required under subsection (a), the court shall require the licensed child placing agency for a child who is not adjudicated to be a child in need of services or, if the

child is the subject of an open child in need of services action, each local office to:

(1) ensure a criminal history check is conducted under IC 31-19-2-7.5; and

(2) report to the court the results of the criminal history check.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.40; P.L.131-2009, SEC.18; P.L.128-2012, SEC.52.

IC 31-19-8-6

Contents of report

Sec. 6. (a) The report required by section 5 of this chapter must, to the extent possible, include the following:

(1) The former environment and antecedents of the child.

(2) The fitness of the child for adoption.

(3) The suitability of the proposed home for the child.

(b) The report may not contain any of the following:

(1) Information concerning the financial condition of the prospective adoptive parents.

(2) A recommendation that a request for a subsidy be denied in whole or in part due to the financial condition of the prospective adoptive parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.19; P.L.138-2007, SEC.41; P.L.131-2009, SEC.19; P.L.162-2011, SEC.14.

IC 31-19-8-7

Summary consideration of agency's report; continuance

Sec. 7. The court shall summarily consider the report submitted under section 5 of this chapter. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.42; P.L.131-2009, SEC.20.

IC 31-19-8-8

Agency report and recommendation; nonbinding on court

Sec. 8. The report and recommendation of the licensed child placing agency or local office are not binding on the court but are advisory only.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.43; P.L.131-2009, SEC.21; P.L.128-2012, SEC.53.

IC 31-19-8-9

Prompt hearing and determination of adoption

Sec. 9. As soon as possible after the provisions of IC 31-19-7-1 and this chapter have been satisfied, the court shall proceed to hear and determine the petition for adoption.

As added by P.L.1-1997, SEC.11.